

## **REMARKS**

### **I. Claims in the Case**

No claims have been amended or added. Claims 34-45 are pending.

### **II. Change of Address/Attorney**

Please note the previously-filed Power of Attorney directing all further communications to the undersigned. Also, please note that the firm of Skjerven Morrill is no longer in existence, and thus the existing address in the PTO file should be changed to reflect the new counsel of record.

### **III. Reexamination**

Please note that there are two related cases currently in reexamination, including U. S. 6,052,673 (Reexam Serial No. 90/005,842) and U. S. 5,832,461 (Reexam Serial No. 90/005,841). Both of these cases are currently on appeal. Applicants enclose a copy of the Brief on Appeal, Examiner's Answer, and Patent Owner's reply filed in each of those cases for the record in the present examination.

### **IV. Rejection of Claims Over Youden in view of Aztec Properties**

The Action rejects all of the claims as obvious over the Youden patent in view of the Aztec Properties case, further in view of Robbins and US Dept. of Labor. The Action takes the position that Youden teaches each of the elements of the claims except for what the inflation is based on, and that the Aztec case provides this teaching. The additional secondary references are applied to various features of certain dependent claims.

Applicants respectfully traverse. The Youden patent is in no way concerned with the problem addressed by the present invention – providing inflation protection to existing deposit and loan accounts by adjusting those accounts for past inflation. The Youden patent merely concerns a device that can be used to calculate a minimum principal payment into an account in

order to achieve a desired payout of contracted dollars at a future time. Youden makes an arbitrary allowance for inflation to arrive at the size of the initial deposit that will provide future fixed payments and is in no way related to the actual inflation that takes place in the future.

In contrast, the present invention is concerned with an arbitrary deposit at the discretion of the depositor which earns interest that is systematically related to the actual inflation that takes place in the future in order to provide exact inflation protection on the purchasing power of the deposit. That is, in the present invention, there are no contracted future payments which are contingent on the actual inflation that subsequently takes place.

The Action refers to excerpts at column 2, lines 15-25 and 35-40, along with column 5, lines 30-48. However, these excerpts merely relate to a method of calculating the effect of a selected arbitrary inflation number upon an account value such as a mortgage account or deposit account. However, there is no teaching or motivation to provide an account that is actually adjusted and ultimately paid out based on past inflation. Thus, the Action's statement that column 5, lines 35-45 teaches "wherein periodic interested payments are paid based on the inflation-adjusted principal component at the time said periodic interest payments are paid" is simply not correct and not supported by the teachings of Youden at column 5, lines 35-45. Instead, this excerpt talks about selecting a hypothetical rate of inflation and applying that hypothetical rate of inflation to a payment stream to test the effects of inflation on the monthly payments. There is absolutely no teaching which concerns setting up an account that is paid out according to past, known inflation.

As recognized by the Action, the secondary references have no bearing on this, the principal aspect of the invention.

Applicants respectfully submit that the foregoing fully and adequately addresses the Examiner's pending rejections and demonstrates that no *prima facie* case of obviousness has been made with respect to any of the pending claims.

**V. Conclusion**

Applicants believe that the foregoing remarks fully respond to all outstanding matters for this application. Applicants respectfully request that the rejections of all claims be withdrawn so they may pass to issuance.

Should the Examiner desire to sustain any of the rejections discussed in relation to this Response, the courtesy of a telephonic conference between the Examiner, the Examiner's supervisor, and the undersigned attorney at 512-536-3055 is respectfully requested.

Respectfully submitted,

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Date: September 26, 2003